



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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BTK/BTR  
F. #2018R01591

*610 Federal Plaza  
Central Islip, New York 11722*

May 27, 2022

By ECF

The Honorable Gary R. Brown  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: United States v. John Drago  
18-CR-394 (S-1)(GRB)

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Dear Judge Brown:

The government writes in response to the United States Department of Probation's May 17, 2022 Presentence Investigation Report ("PSR") concerning the above-captioned case. Paragraph 28 of the PSR incorrectly deducts one point from the defendant's Total Offense Level based upon the defendant's "timely acceptance of responsibility." (See PSR at ¶ 28 (citing U.S.S.G. § 3E1.1(b))). As set forth in the parties' Plea Agreement, however, the government will not be making a motion for an additional point deduction. This is because the government expended significant effort in preparing for trial in this case, including litigating the admissibility of more than 250 exhibits in two complex pre-trial suppression hearings.

In addition, the PSR contains inaccurate information concerning the defendant's military record. (See PSR at ¶62). To provide the Court with correct

information concerning the defendant's time in the military, the government will be filing an additional letter and documents obtained from the United States Army under seal.

Respectfully submitted,

BREON PEACE  
United States Attorney

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